



U.S. Department of
Transportation
1200 New Jersey Ave. S.E.
Washington, D.C. 20590

**Federal Motor Carrier
Safety Administration**

**FUNG WAH BUS TRANSPORTATION INC
25 EDINBORO STREET 3RD FLOOR
BOSTON, MA 02111**

February 13, 2013

In reply refer to:
USDOT Number: **954187**
Review No.: 1034461/CR

Dear PEI LIN LIANG:

The motor carrier safety rating for your company is:

SATISFACTORY

This SATISFACTORY rating is the result of a review and evaluation of your safety fitness completed on February 6, 2013. A SATISFACTORY rating indicates that your company has adequate safety management controls in place to meet the safety fitness standard prescribed in 49 C.F.R. 385.5.

Please assure yourself that any specific deficiencies identified in the review report have been corrected. We appreciate your efforts toward promoting motor carrier safety throughout your company. If you have questions or require further information, please contact:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
50 MALL ROAD, SUITE 212
BURLINGTON, MA 01803
Telephone No.: 781-425-3210

Sincerely,

Joseph P. DeLorenzo
Director, Office of Enforcement and Compliance



U.S. Department of
Transportation
1200 New Jersey Ave. S.E.
Washington, D.C. 20590

**Federal Motor Carrier
Safety Administration**

**FUNG WAH BUS TRANSPORTATION INC
25 EDINBORO STREET 3RD FLOOR
BOSTON, MA 02111**

45 Day HM Placarded\Passenger
Carrier

April 2, 2013

In reply refer to:
USDOT Number: **954187**
Review No.: 1045724/CR

Dear PEI LIN LIANG:

The proposed motor carrier safety rating for your company is:

UNSATISFACTORY

This proposed UNSATISFACTORY rating is the result of an onsite compliance review and evaluation of your safety fitness completed on March 28, 2013. An UNSATISFACTORY rating indicates that your company does not have adequate safety management controls in place to ensure compliance with the safety fitness standard which has resulted in occurrences of violations listed in 49 CFR 385.5(a-k), and indicates that your company is operating at an unacceptable level of compliance.

Under 49 CFR 385.13, a motor carrier of hazardous materials or passengers that receives a final safety rating of UNSATISFACTORY is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce. Additionally, 49 USC 31144 and 49 CFR 385.13(a)(1) provide that this prohibition takes effect unless, within 45 days of the date of this notice, you take the necessary steps to improve the rating to conditional or satisfactory.

Pursuant to 49 USC 13905(f)(1)(B), the registration of a motor carrier that has been prohibited from operating in interstate and intrastate commerce for failure to comply with the safety fitness requirement shall be revoked.

UNLESS YOU IMPROVE YOUR PROPOSED UNSATISFACTORY RATING, IT WILL BECOME FINAL AND YOU WILL BE PROHIBITED FROM OPERATING COMMERCIAL MOTOR VEHICLES IN INTERSTATE AND INTRASTATE COMMERCE BEGINNING ON MAY 18, 2013, AND YOUR REGISTRATION SHALL BE REVOKED, IF APPLICABLE.

If you have been subject to any Order(s), prohibition(s), registration suspension(s) and/or registration revocation(s) in any other case(s) or proceeding(s), the prohibitions and registration revocation in this case will be in addition to, and will not supersede, amend, or modify any Orders, notices, and/or requirements in any other case(s) or proceeding(s). Further, the orders, prohibitions and/or registration revocation may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of a "final" unsatisfactory safety rating.

Immediate action must be taken to correct any deficiencies or violations discovered during the compliance review. Your operation was found to be deficient with respect to the applicable safety regulations in the following areas:

- Part 390 GENERAL REGULATIONS
- Part 391 QUALIFICATIONS OF DRIVERS
- Part 392 DRIVING OF MOTOR VEHICLES
- Part 396 INSPECTION, REPAIR AND MAINTENANCE
- Part 382 CONTROLLED SUBSTANCE AND ALCOHOL USE AND TESTING
- Part 383 COMMERCIAL DRIVERS LICENSE
- Part 395 HOURS OF SERVICE OF DRIVERS

INSPECTION OUT OF SERVICE RATE

Please refer to the copy of the compliance review left at your office for more specific guidance regarding areas in need of corrective action.

APPEAL RIGHTS: Owners or operators of commercial motor vehicles may appeal the proposed safety rating in the following manners:

<A> REQUESTS FOR A CHANGE TO SAFETY RATING BASED UPON CORRECTIVE ACTIONS (49 CFR 385.17): A request for a change to a safety rating for a corrective action may be made at any time. This request must be made in writing to the FMCSA Service Center for the geographic area where the carrier maintains its principal place of business (See 49 CFR 390.27). The request must be based upon evidence that the carrier has taken corrective actions and that its operations currently meet the safety fitness standards and factors specified in 49 CFR 385.5 and 385.7. The FMCSA will make a final determination based upon the documentation submitted and any other additional relevant information. A written decision will be issued by the FMCSA. Any motor carrier whose request for change is denied may, within 90 days after the denial, request administrative review under 49 CFR 385.15.

** ADMINISTRATIVE REVIEW (49 CFR 385.15):** A request may be made to the FMCSA to conduct an administrative review if you believe that an error was committed in assigning the proposed safety rating or when your request under 49 CFR 385.17 was denied. This request must be made within 90 days of the date of the proposed safety rating issued under 49 CFR 385.11(c) or within 90 days of an Order denying your request for a rating change under 49 CFR 385.17.

Owners or operators may seek administrative review (49 CFR 385.15) by filing a Petition for Review at the following address: U.S. DOT Dockets, United States Department of Transportation, 1200 New Jersey Ave., S.E., Washington, DC 20590. A copy of the Petition **MUST** also be sent to: The Chief Safety Officer, Federal Motor Carrier Safety Administration (Attention: Adjudications Counsel), 1200 New Jersey Ave., S.E., Washington, DC 20590. The appeal should include a copy of this compliance review and the forthcoming official notice from the FMCSA headquarters office. All subsequent filings must also be served in the same manner.

The FMCSA will conduct a review of the request and issue a decision within 30 days of receipt of that request (49 CFR 385.15(e)(1) and 385.17(e)(1)). The FMCSA highly recommends that hazardous material and passenger owners and operators file requests for administrative review (49 CFR 385.15) within 15 days from the date on the notice of the "proposed" rating (49 CFR 385(c)(1)). This will allow sufficient time to review the request and issue a written decision before the prohibitions on operating in interstate and intrastate commerce take effect. Administrative review requests must be made within 90 days of the date on the notice of the "proposed" rating (49 CFR 385.15(c)(2)). However, failure to petition within 15 days from the date on the notice of the "proposed" rating may prevent the FMCSA from issuing a final decision before the prohibitions on interstate and intrastate transportation and, if applicable, the registration revocation take effect (49 CFR 385.15(c)(1)).

A petition to contest the rating or a request for a change in the rating will not automatically postpone the effective date of your final rating.

You may obtain further information from the local Federal Motor Carrier Safety Information office listed below:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
50 MALL ROAD, SUITE 212
BURLINGTON, MA 01803
Telephone No.: 781-425-3210

Sincerely,



Joseph P. DeLorenzo
Director, Office of Enforcement and Compliance

****** The rating for Part 396 was comprised of the vehicles placed out-of-service during roadside inspections in the twelve months prior to the compliance review and/or inspected at the time of the review, and non-compliance with the Part 396 inspection, repair and maintenance systems requirements.

**UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

)	Order No.: MA-2013-5000-IMH
)	
FUNG WAH BUS TRANSPORTATION,)	Service
INC.,)	Date: _____
)	
USDOT 954187)	
)	
)	

IMMINENT HAZARD
OPERATIONS OUT-OF-SERVICE ORDER

This is an Imminent Hazard Operations Out-of-Service Order ("Order") issued by the Secretary of Transportation pursuant to 49 U.S.C. § 521(b)(5)(A), 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1) and (5), and 49 C.F.R. § 386.72(b)(1). This Order applies to the commercial motor vehicles described herein operated by Fung Wah Bus Transportation, Inc. (USDOT# 954187) (referred to herein as "you," "your," and/or "Fung Wah Bus Transportation, Inc.").

The Secretary and Federal Motor Carrier Safety Administration ("FMCSA"), United States Department of Transportation ("USDOT") find your continued operation of the commercial motor vehicles (herein "commercial motor vehicles," "motor vehicles," and/or "motor coaches") listed on Schedule A hereto constitutes an imminent hazard. This finding means that based upon your present state of unacceptable safety compliance, your operation of these commercial motor vehicles poses an imminent hazard to public safety.

EFFECTIVE IMMEDIATELY, YOU MUST CEASE OPERATING THOSE
COMMERCIAL MOTOR VEHICLE LISTED ON SCHEDULE A. "OPERATE" OR

“OPERATING” INCLUDES WITHOUT LIMITATION ALL INTERSTATE AND INTRASTATE TRANSPORTATION BY DRIVERS FROM ALL DISPATCHING LOCATIONS OR TERMINALS. FURTHER, THE COMMERCIAL MOTOR VEHICLES IDENTIFIED IN THIS ORDER MAY NOT BE OPERATED IN INTERSTATE OR INTRASTATE COMMERCE BY ANY OTHER MOTOR CARRIER OR ANY DRIVER. THE COMMERCIAL MOTOR VEHICLES IDENTIFIED IN THIS ORDER MAY NOT BE OPERATED – EVEN WITHOUT PASSENGERS – BUT MUST BE TOWED TO ANY STORAGE OR REPAIR FACILITY OR OTHER LOCATION FOR PURPOSES OF REPAIR, SALE, OR FINAL DISPOSITION.

The identified commercial motor vehicles and their drivers now in interstate or intrastate commerce may proceed to their next immediate destination, which is defined as the next scheduled stop for vehicles already in motion where the passengers can be safely secured. (*See* 49 C.F.R. § 386.72(b)(4) and (5)).

YOU MAY NOT LOAD OR TRANSPORT ANY ADDITIONAL PASSENGERS, NOR MAY YOU OPERATE ANY COMMERCIAL MOTOR VEHICLE LISTED ON SCHEDULE A IN INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT.

I. JURISDICTION

Fung Wah Bus Transportation, Inc. is a passenger motor carrier engaged in interstate commerce using commercial motor vehicles and employing drivers and is therefore subject to the Federal Motor Carrier Safety Regulations (“FMCSRs”), 49 C.F.R. Parts 350-399, and the alcohol and controlled substances regulations at 49 C.F.R. Part 40, as well as the Orders of the USDOT and FMCSA. (*See* 49 U.S.C. §§ 506, 507, 13501, 31133, 31136, and 31144.) Fung

Wah Bus Transportation, Inc. is required to comply with, and to ensure that its drivers comply with, the FMCSRs and Orders of the USDOT and FMCSA. (49 C.F.R. § 390.11). This Order has the force and effect of any other Order issued by the FMCSA and is binding upon Fung Wah Bus Transportation, Inc., as well as any and all of its officers, members, directors, successors, assigns, and closely affiliated companies. This Order applies to only those commercial motor vehicles listed on Schedule A of this Order.

II. BASIS FOR ORDER

The basis for determining that Fung Wah Bus Transportation, Inc.'s operation of the listed commercial motor vehicles poses an imminent hazard to the public is that Fung Wah Bus Transportation, Inc. fails to repair or cause to be repaired in a competent manner deficiencies on the vehicles listed in Schedule A, fails to maintain these commercial motor vehicles in accordance with manufacturer's specifications and Technical Service Bulletins ("TSBs"), and fails to systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, certain older model motor vehicles subject to its control. Individually and cumulatively, these violations and conditions of operation of these older model vehicles substantially increase the likelihood of serious injury or death to Fung Wah Bus Transportation, Inc. drivers, passengers and the motoring public.

III. BACKGROUND

On February 21, 2013, Fung Wah Bus Transportation, Inc. entered into a Consent Agreement with the Commonwealth of Massachusetts Department of Public Utilities ("DPU") whereby it voluntarily removed twenty-one (21) of its motor coaches from for-hire passenger service in order to allow inspection by the manufacturer's representative. According to the Consent Agreement, inspections by DPU revealed structural deficiencies and/or frame cracks in

certain of your pre-2005 model motor coaches.

Further, Fung Wah Bus Transportation, Inc. generally does not have in place an effective vehicle maintenance program to prevent the operation of unsafe motor coaches. Fung Wah Bus Transportation, Inc. does not maintain its older fleet of commercial motor vehicles in a safe and proper operating condition and not in accordance with manufacturer's specifications and Technical Service Bulletins, and does not systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, certain older motor vehicles subject to its control. As a result of its lack of a sound maintenance program, Fung Wah Bus Transportation, Inc. has allowed the commercial motor vehicles listed in Schedule A to deteriorate to the point that their operation significantly increases the likelihood of serious injury or death if not discontinued immediately.

In sum, the noncompliant, unsafe, and dangerous condition of Fung Wah Bus Transportation, Inc.'s older bus fleet and Fung Wah Bus Transportation Inc's failure to adequately maintain and repair its older fleet of commercial motor vehicles substantially increases the likelihood of serious injury or death and is an imminently hazardous and potentially deadly risk for its own drivers, passengers, and for the motoring public.

IV. REMEDIAL ACTION

To eliminate this imminent hazard, and before Fung Wah Bus Transportation, Inc. will be permitted to resume operation of the listed commercial motor vehicles placed out-of-service by this Order, Fung Wah Bus Transportation, Inc. must take specific steps to ensure and demonstrate compliance with the FMCSRs.

1. Fung Wah Bus Transportation, Inc. must ensure and demonstrate that its commercial motor vehicles are in a safe operating condition and are in full compliance with 49

C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operations) and Part 396 (Vehicle Maintenance).

2. Fung Wah Bus Transportation, Inc. must ensure and demonstrate that it has an adequate commercial motor vehicle maintenance program in place to ensure compliance with the FMCSRs. The maintenance program used by Fung Wah Bus Transportation, Inc. must be consistent with the manufacturer's maintenance and repair specifications for the particular motor vehicle(s), and must take into account any TSBs published by the manufacturer or manufacturer's representative.

3. Upon receipt of this Order and prior to any further operation interstate commerce, Fung Wah Bus Transportation, Inc. must immediately contact the Massachusetts Division Administrator and make all commercial motor vehicles it owns or operates, including those that are not subject to this Order, available for a North American Standard Level 5 inspection by an FMCSA employee or authorized representative, and must make those commercial motor vehicles available for inspection at a time and at a location of the FMCSA Massachusetts Division Administrator's choosing.

4. Fung Wah Bus Transportation, Inc. must not operate any commercial motor vehicle listed on Schedule A until an FMCSA employee or authorized representative has completed the Level 5 inspection for that vehicle under the terms of this Order and found the vehicle to have no Out-of-Service defects. Any such vehicle taken to a repair facility or brought for inspection must be towed and not driven before this Order is rescinded as to the vehicle.

5. Fung Wah Bus Transportation, Inc. must require its drivers to prepare Driver Vehicle Inspection Reports at the end of each day, implement a procedure so that its drivers can report safety defects and/or deficiencies, and establish and abide by procedures to ensure that

reported safety defects and/or deficiencies are repaired immediately before the commercial motor vehicle is operated again. Fung Wah Bus Transportation, Inc. must train its drivers and ensure all drivers understand the meaning of a roadside out-of-service order and comply with roadside out-of-service orders.

6. Fung Wah Bus Transportation, Inc. must comply with all Orders issued by FMCSA.

V. RESCISSION OF ORDER

Fung Wah Bus Transportation, Inc. is subject to this Order unless and until the Order is rescinded in writing by FMCSA. Unless and until this Order is rescinded, Fung Wah Bus Transportation, Inc. is prohibited from operating the commercial motor vehicles listed in Schedule A in interstate and/or intrastate commerce. This Order will not be rescinded until the Regional Field Administrator for FMCSA's Eastern Service Center has determined that the Remedial Action requirements specified in Paragraph IV of this Order have been fully satisfied and acceptable documentation submitted.

Before this Order will be rescinded, Fung Wah Bus Transportation, Inc. must comply with the provisions of this Order, eliminate the problems constituting the imminent hazard that its operations of these motor vehicles poses, and adequately demonstrate to the Regional Field Administrator for FMCSA's Eastern Service Center the actions taken to eliminate the safety problems. Fung Wah Bus Transportation, Inc. cannot avoid this Order by continuing operations of the out-of-service motor vehicles under the name of another person or company. Any sale, lease, or other transfer of commercial motor vehicles and/or direct assignment of contracts or other agreements for service by Fung Wah Bus Transportation, Inc. requires the written approval of the Eastern Service Center Regional Field Administrator. Any such action taken in

anticipation of this Order must cease immediately.

Prior to rescission of the Order, Fung Wah Bus Transportation, Inc. will be required to:

- 1. Identify the cause for its noncompliance.**
- 2. Develop a detailed Safety Management Plan of action that addresses each area of non-compliance, the steps it intends to take to overcome its non-compliance and a timetable for these steps.**
- 3. Develop and certify the commitment of Fung Wah Bus Transportation, Inc. to comply with the FMCSRs.**
- 4. Execute the Safety Management Plan and provide certification by all owners and officers.**

Any request to rescind this Order and documentation demonstrating satisfaction of the Remedial Action requirements must be directed to the Regional Field Administrator, Eastern Service Center, with a copy to the Division Administrator, Massachusetts Division, at the following addresses:

Regional Field Administrator
Eastern Service Center
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Division Administrator, Massachusetts Division
Federal Motor Carrier Safety Administration
50 Mall Road
Suite 212
Burlington, MA 01803

VI. FAILURE TO COMPLY

Failure to comply with the provisions of this Order may subject Fung Wah Bus Transportation, Inc. to an action in the United States District Court for equitable relief and

punitive damages. Fung Wah Bus Transportation, Inc. may be assessed civil penalties of up to \$25,000 for a violation of this Order. (49 U.S.C. § 521(b)(2)(F) and 49 C.F.R. Part 386 App. A. § IV(g)). If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and imprisonment for a term not to exceed one year. (49 U.S.C. § 521 (b)(6)(A)).

VII. PENALTIES FOR VIOLATIONS

Any motor carrier that violates Federal requirements, including the FMCSRs, and/or permits its employee(s) to violate Federal requirements is subject to civil and/or criminal penalty provisions. Penalty provisions for violations of Federal statutes and regulations are separate and distinct from this Order. Penalties may be assessed for the violations of Federal requirements, including the FMCSRs and Orders of the FMCSA, previously discovered, discovered after the service of this Order, and/or discovered during subsequent investigations.

VIII. RIGHT TO REVIEW

You have the right to administrative review in accordance with 5 U.S.C. § 554 pursuant to 49 C.F.R. § 386.72(b)(4). An administrative review, if requested, must occur within 10 days of the issuance of this Order. (49 U.S.C. § 521(b)(5) and 49 C.F.R. § 386.72(b)(4)). A request for review must be addressed to the Assistant Administrator, United States Department of Transportation, Federal Motor Carrier Safety Administration, with a copy sent to the Regional Field Administrator, Eastern Service Center at the following addresses:

Assistant Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Regional Field Administrator
Eastern Service Center
Federal Motor Carrier Safety Administration

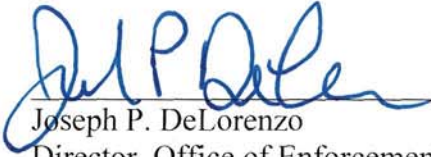
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

The request must state the material facts at issue which you believe dispute or contradict the finding that Fung Wah Bus Transportation, Inc.'s operation of the listed commercial motor vehicle(s) constitutes an imminent hazard to the public.

**A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT IN ANY WAY
SUSPEND OR DELAY YOUR DUTY TO COMPLY WITH THIS ORDER**

IMMEDIATELY. This Order is separate and independent from all other orders or actions that may be issued by FMCSA, and does not amend or modify any other such orders or actions, and any request for administrative review of this Order does not attach to or apply to any other order or action.

Date: February 25, 2013



Joseph P. DeLorenzo
Director, Office of Enforcement and Compliance
United States Department of Transportation
Federal Motor Carrier Safety Administration

SCHEDULE A

	YEAR	VIN	BUS #	IRP PLATE
1	2001	YE2CC12BX12045757	38	83821
2	2001	YE2CC12B212045753	60	85453
3	2002	YE2CC12B522045845	62	85962
4	2002	YE2CC12B722045846	66	85454
5	1998	YE2TA62B2W2040529	68	85455
6	1998	YE2TA62B2W2040532	70	85963
7	2002	YE2CC12B122045857	72	83820
8	2002	YE2CC12B222045849	76	83554
9	2001	YE2CC13B812045268	78	83553
10	2003	YE2CC12B632045420	80	85964
11	2001	YE2CC13B712045262	86	83569
12	2001	YE2CC13BX12045269	88	83570
13	2001	YE2CC13B912045151	90	85281
14	2001	YE2CC13B412045154	92	85298
15	2001	YE2CC12B912045670	96	85965
16	2001	YE2CC12B912045619	98	85452
17	2000	YE2CC21BXY2045534	102	85280
18	2001	TE2CC12B912045667	106	85966
19	2001	YE2CC12B712045666	108	85967
20	2004	YE2CC12B242045983	120	83816
21	2004	YE2CC22BX42045977	126	83804

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

FUNG WAH BUS TRANSPORTATION,
INC.,

USDOT 954187

) Order No.: MA-2013-5002-IMH
)

) Service

) Date: 3-28-2013
) *R. Hawley*
)
)
)

IMMINENT HAZARD
OPERATIONS OUT-OF-SERVICE ORDER

This is an Imminent Hazard Operations Out-of-Service Order ("Order") issued by the Secretary of Transportation pursuant to 49 U.S.C. § 521(b)(5)(A), 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1), (2), and (5), and 49 C.F.R. § 386.72(b)(1), and pursuant to a delegation of authority to the Regional Field Administrator, Eastern Service Center, Federal Motor Carrier Safety Administration ("FMCSA"), United States Department of Transportation ("USDOT"), Glen Burnie, Maryland. This Order applies to Fung Wah Bus Transportation, Inc. (USDOT# 954187) (referred to herein as "you," "your," "Fung Wah Bus Transportation, Inc." and/or "Fung Wah") and to all vehicles owned or operated by Fung Wah.

The Secretary and FMCSA find your continued operation of any commercial motor vehicle (herein "commercial motor vehicles," "motor vehicles," and/or "motor coaches") constitutes an imminent hazard. This finding means that based upon your present state of unacceptable safety compliance, your operation of any commercial motor vehicle poses an imminent hazard to public safety.

Effective immediately, you must cease operating any commercial motor vehicles, specifically including the commercial motor vehicles listed in Appendix A to this Order.

“Operate” or “Operating” includes without limitation all interstate and intrastate transportation by drivers from all dispatching locations or terminals. Fung Wah’s commercial motor vehicles, specifically including the commercial motor vehicles listed in Appendix A to this Order, may not be operated in interstate or intrastate commerce by any other motor carrier or any driver; such commercial motor vehicles may not be operated – even without passengers. Any movement of Fung Wah’s commercial motor vehicles, specifically including the commercial motor vehicles identified in Appendix A of this Order, to any storage or repair or other location for the purposes of repair, sale, storage, or final destination must be accomplished only by towing, such that the commercial motor vehicle itself is not driven or operated; Fung Wah’s commercial motor vehicles may be moved only upon the written approval of the Regional Field Administrator for FMCSA’s Eastern Service Center.

Your commercial motor vehicles and their drivers now in interstate or intrastate commerce may proceed to their next immediate destination, which is defined as the next scheduled stop for vehicles already in motion where the passengers can be safely accommodated. (See 49 C.F.R. § 386.72(b)(4) and (5)). You may not load or transport any additional passengers.

Within eight (8) hours of the service of this Order, you must submit to the Regional Field Administrator in writing by facsimile the location of each of the commercial motor vehicles identified in Appendix A of this Order. Your submission must be sent to:

Regional Field Administrator

(443) 703-2253 (facsimile)

I. JURISDICTION

Fung Wah Bus Transportation, Inc. is a passenger motor carrier engaged in interstate commerce using commercial motor vehicles and employing drivers and is therefore subject to the Federal Motor Carrier Safety Regulations ("FMCSRs"), 49 C.F.R. Parts 350-399, and the alcohol and controlled substances regulations at 49 C.F.R. Part 40, as well as the Orders of the USDOT and FMCSA. (See 49 U.S.C. §§ 506, 507, 13501, 31133, 31136, and 31144.) Fung Wah Bus Transportation, Inc. is required to comply with, and to ensure that its drivers comply with, the FMCSRs and Orders of the USDOT and FMCSA. (49 C.F.R. § 390.11). This Order has the force and effect of any other Order issued by the FMCSA and is binding upon Fung Wah Bus Transportation, Inc., as well as any and all of its officers, members, directors, successors, assigns, and closely affiliated companies. This Order applies to all motor carrier operations and all vehicles owned, leased, rented or otherwise operated by Fung Wah Bus Transportation, Inc.

II. BASIS FOR ORDER

The basis for determining that Fung Wah Bus Transportation, Inc.'s motor carrier operations pose an imminent hazard to the public is that Fung Wah Bus Transportation, Inc. has no effective systematic maintenance program for its passenger-carrying vehicles, which has led to, among other things, significant safety problems and dangerous conditions on its buses. Moreover, the absence of an effective systematic maintenance program has resulted in Fung Wah failing to repair or causing to be repaired dangerous conditions on its buses which amount to safety violations, failing to consult and maintain its fleet in accordance with accepted industry standards, including the manufacturer's specifications and Technical Service Bulletins ("TSBs"), and failing to systematically inspect, repair, and maintain, or causing to be systematically inspected, repaired, and maintained, vehicles subject to its control. Further, FMCSA found that Fung Wah Bus Transportation, Inc. made fraudulent or intentionally false entries on inspection

and vehicle maintenance records, rendering those records unreliable for the purpose of demonstrating that Fung Wah's vehicles were actually maintained as claimed. In addition, Fung Wah Bus Transportation, Inc. fails to monitor and ensure that its drivers comply with drivers' hours of service requirements, drivers' records of duty status requirements, drivers' qualification requirements, and drivers' controlled substances and alcohol use and testing requirements, thereby posing an ongoing and continuing imminent hazard. Individually and cumulatively, these violations and conditions of operation substantially increase the likelihood of serious injury or death to Fung Wah Bus Transportation, Inc. drivers, passengers, and the motoring public.

III. BACKGROUND

On February 21, 2013, Fung Wah Bus Transportation, Inc. entered into a Consent Agreement with the Commonwealth of Massachusetts Department of Public Utilities ("DPU") whereby it voluntarily removed twenty-one (21) of its motor coaches from for-hire passenger service in order to allow inspection by the manufacturer's representative. According to the Consent Agreement, inspections by DPU revealed structural deficiencies and/or frame cracks in certain of Fung Wah's pre-2005 model motor coaches.

Subsequently, on or about February 25, 2013, FMCSA served on Fung Wah Bus Transportation, Inc. an Imminent Hazard Operations Out-Of-Service Order ("February 25 Order") directing Fung Wah not to operate these same twenty-one (21) motor coaches until they were inspected and Fung Wah had in place an approved Safety Management Plan. The February 25 Order found that Fung Wah does not maintain its older fleet of commercial motor vehicles in a safe and proper operating condition and not in accordance with manufacturer's specifications and Technical Service Bulletins, and does not systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, certain older motor vehicles subject to its control. To date, Fung Wah has not submitted to FMCSA a Safety Management

Plan for its review, nor has it contacted FMCSA to arrange for the inspection of its motor coaches.

A subsequent investigation by FMCSA has revealed that Fung Wah's maintenance deficiencies go beyond merely the older motor coaches in its fleet, and in fact Fung Wah does not have in place a vehicle maintenance program to prevent the operation of unsafe motor coaches. Indeed, FMCSA's investigation found that to the extent that Fung Wah maintains vehicle inspection records and reports, these records and reports cannot be relied upon with any certainty because they purport to show that vehicles were inspected on dates for which the mechanic whose signature appears on those reports was not actually working. FMCSA's investigation further revealed that Fung Wah requires or permits its drivers to make fraudulent or intentionally false statements on driver vehicle inspection reports by claiming that vehicles are in satisfactory mechanical condition when in fact they have out-of-service defects.

The absence of an effective systematic vehicle maintenance program has resulted in Fung Wah failing to systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, its entire fleet in order to ensure safe operating condition, and dispatching vehicles declared "out-of-service" before having made repairs. Fung Wah also dispatches vehicles that do not have the required emergency equipment in place.

Fung Wah also does not follow FMCSA driver qualification requirements to ensure that its drivers are qualified to transport passengers in its motor coaches. Fung Wah uses drivers who have not completed and furnished employment applications, and fails to investigate drivers' backgrounds. Fung Wah does not comply with FMCSA-mandated controlled substances testing requirements to ensure that its drivers are able to safely operate its motor coaches. Fung Wah is using drivers who have not completed pre-employment controlled substances testing. Moreover, Fung Wah is permitting its drivers to improperly prepare records of duty status, falsify records of

duty status, and to operate motor vehicles not in accordance with the speed limits of the jurisdictions in which they are operated. Fung Wah's irresponsible actions substantially increase the likelihood of serious injury or death to Fung Wah's drivers, passengers, and the motoring public.

In sum, Fung Wah Bus Transportation, Inc.'s continued and blatant disregard for the FMCSRs substantially increases the likelihood of serious injury or death and is an imminently hazardous and potentially deadly risk for its own drivers, passengers, and for the motoring public.

IV. REMEDIAL ACTION

To eliminate this imminent hazard, and before Fung Wah Bus Transportation, Inc. will be permitted to resume operations placed out-of-service by this Order, Fung Wah Bus Transportation, Inc. must take specific steps to ensure and demonstrate compliance with the FMCSRs.

1. Fung Wah Bus Transportation, Inc. must ensure and demonstrate that its commercial motor vehicles are in a safe operating condition and are in full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operations) and Part 396 (Vehicle Maintenance).
2. Fung Wah Bus Transportation, Inc. must drastically change its maintenance posture, philosophy and infrastructure and demonstrate that it has an effective commercial motor vehicle maintenance program in place to inspect, maintain, and repairs its fleet and ensure compliance with the FMCSRs. Fung Wah Bus Transportation, Inc. must ensure and demonstrate that vehicle maintenance and safety is a company priority and must ensure and demonstrate that inspection records are accurately completed. The maintenance program used by Fung Wah Bus Transportation, Inc. must be consistent

with the manufacturer's maintenance and repair specifications for the particular motor vehicle(s), and must take into account any TSBs published by the manufacturer or manufacturer's representative.

3. Fung Wah Bus Transportation, Inc. must require its drivers to prepare Driver Vehicle Inspection Reports at the end of each day, implement a procedure so that its drivers can report safety defects and/or deficiencies, and establish and abide by procedures to ensure that reported safety defects and/or deficiencies are repaired immediately before the commercial motor vehicle is operated again. Fung Wah Bus Transportation, Inc. must train its drivers and ensure all drivers understand the meaning of a roadside out-of-service order and comply with roadside out-of-service orders.
4. Fung Wah Bus Transportation, Inc. must ensure that each of its drivers records his or her duty status for each 24-day period in accordance with 49 C.F.R. § 395.8. Fung Wah Bus Transportation, Inc. must ensure that each of its drivers complies with the hours of service rules in 49 C.F.R. Part 395. Fung Wah Bus Transportation, Inc. must maintain each record of duty status for a minimum of six months in accordance with 49 C.F.R. § 395.8(k)(1).
5. Fung Wah Bus Transportation, Inc. must implement a system to ensure that all its drivers accurately complete their records of duty status in the form and manner required in 49 C.F.R. Part 395. Fung Wah Bus Transportation, Inc. must ensure that its drivers accurately complete their daily records of duty status and that they submit these records to Fung Wah Bus Transportation, Inc. within 13 days of their completion. Fung Wah Bus Transportation, Inc. must maintain drivers' records of duty status and demonstrate a system showing that the company can and will

maintain all supporting documents. Further, Fung Wah Bus Transportation, Inc. must ensure that all records of duty status are accurate by using all means available to Fung Wah Bus Transportation, Inc. and by comparing each record with all supporting documentation.

6. Fung Wah Bus Transportation, Inc. must ensure that all drivers are adequately trained in the requirements of the FMCSRs and that they are able to conduct motor carrier operations consistent with those regulations.
7. Fung Wah Bus Transportation, Inc. must comply with all Orders issued by FMCSA.

V. RESCISSION OF ORDER

Fung Wah Bus Transportation, Inc. is subject to this Order unless and until the Order is rescinded in writing by FMCSA. Unless and until this Order is rescinded, and until such time as Fung Wah Bus Transportation, Inc. has a valid and active USDOT number and operating authority registration, Fung Wah Bus Transportation, Inc. is prohibited from operating any commercial motor vehicle in interstate and/or intrastate commerce. This Order will not be rescinded until the Regional Field Administrator for FMCSA's Eastern Service Center has determined that the Remedial Action requirements specified in Paragraph IV of this Order have been fully satisfied and acceptable documentation submitted.

Before this Order will be rescinded, Fung Wah Bus Transportation, Inc. must comply with the provisions of this Order, eliminate the problems constituting the imminent hazard that its operations and motor vehicles pose, and adequately demonstrate to the Regional Field Administrator for FMCSA's Eastern Service Center the actions taken to eliminate the safety problems. Fung Wah Bus Transportation, Inc. cannot avoid this Order by continuing operations under the name of another person or company. Any sale, lease, or other transfer of commercial motor vehicles and/or direct assignment of contracts or other agreements for service by Fung

Wah Bus Transportation, Inc. requires the written approval of the Eastern Service Center Regional Field Administrator. Any such action taken in anticipation of this Order must cease immediately.

Prior to rescission of the Order, Fung Wah Bus Transportation, Inc. will be required to:

- 1. Identify the cause for its noncompliance.**
- 2. Develop a detailed Safety Management Plan of action that addresses each area of non-compliance, the steps it intends to take to overcome its non-compliance and a timetable for these steps.**
- 3. Develop and certify the commitment of Fung Wah Bus Transportation, Inc. to comply with the FMCSRs.**
- 4. Execute the Safety Management Plan and provide certification by all owners and officers.**

Any request to rescind this Order and documentation demonstrating satisfaction of the Remedial Action requirements must be directed to the Regional Field Administrator, Eastern Service Center, with a copy to the Division Administrator, Massachusetts Division, at the following addresses:

Regional Field Administrator
Eastern Service Center
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Division Administrator, Massachusetts Division
Federal Motor Carrier Safety Administration
50 Mall Road
Suite 212
Burlington, MA 01803

Rescission of this Order does not constitute a reinstatement of Fung Wah Bus Transportation, Inc.'s Federal operating authority registration or its USDOT Number. In order

for Fung Wah Bus Transportation, Inc. to resume motor carrier operations transporting passengers in the United States, Fung Wah Bus Transportation, Inc. will be required to apply to reactivate its USDOT number registration, reapply for operating authority registration in accordance with 49 U.S.C. 13902 and 49 C.F.R. Part 365, and demonstrate that it is fit and willing and able to comply with: 1) the statutory and regulatory registration requirements; 2) applicable safety regulations including the FMCSRs; 3) the commercial motor vehicle safety requirements of employers and employees set forth in 49 U.S.C. § 31135; 4) the safety fitness requirements set forth in 49 U.S.C. § 31144; and 5) minimum financial responsibility requirements established under 49 U.S.C. §§ 13906 and 31138.

VI. FAILURE TO COMPLY

Failure to comply with the provisions of this Order may subject Fung Wah Bus Transportation, Inc. to an action in the United States District Court for equitable relief and punitive damages. Fung Wah Bus Transportation, Inc. may be assessed civil penalties of up to \$25,000 for every violation of this Order. (49 U.S.C. § 521(b)(2)(F) and 49 C.F.R. Part 386 App. A. § IV(g)). If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and imprisonment for a term not to exceed one year. (49 U.S.C. § 521 (b)(6)(A)).

VII. PENALTIES FOR VIOLATIONS

Any motor carrier that violates Federal requirements, including the FMCSRs, and/or permits its employee(s) to violate Federal requirements is subject to civil and/or criminal penalty provisions. Penalty provisions for violations of Federal statutes and regulations are separate and distinct from this Order. Penalties may be assessed for the violations of Federal requirements, including the FMCSRs and Orders of the FMCSA, previously discovered, discovered after the service of this Order, and/or discovered during subsequent investigations.

VIII. RIGHT TO REVIEW

You have the right to administrative review in accordance with 5 U.S.C. § 554 pursuant to 49 C.F.R. § 386.72(b)(4). An administrative review, if requested, must occur within 10 days of the issuance of this Order. (49 U.S.C. § 521(b)(5) and 49 C.F.R. § 386.72(b)(4)). A request for review must be addressed to the Assistant Administrator, United States Department of Transportation, Federal Motor Carrier Safety Administration, with a copy sent to FMCSA's Adjudications Counsel and the Regional Field Administrator, Eastern Service Center at the following addresses:

Assistant Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Federal Motor Carrier Safety Administration
Office of the Chief Counsel - Adjudications
1200 New Jersey Avenue S.E., W61-323
Washington, DC 20590

Regional Field Administrator
Eastern Service Center
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

The request must state the material facts at issue which you believe dispute or contradict the finding that Fung Wah Bus Transportation, Inc.'s operation of its commercial motor vehicle(s) constitutes an imminent hazard to the public.

**A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT IN ANY WAY
SUSPEND OR DELAY YOUR DUTY TO COMPLY WITH THIS ORDER**

IMMEDIATELY. This Order is separate and independent from all other orders or actions that may be issued by FMCSA, and does not amend or modify any other such orders or actions, and

any request for administrative review of this Order does not attach to or apply to any other order or action.

Date: March 28, 2013

A handwritten signature in black ink, appearing to read "Curtis L. Thomas", written over a horizontal line.

Curtis L. Thomas
Regional Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration

Appendix A

List of Commercial Motor Vehicles

Fung Wah Bus Transportation Inc. Vehicles and Plates

Year	Make	Model	Registration State	License Plate #	VIN	OEN
2001	VANHOOL	C2045	MA	APN 83821	YE2CC12BX12045757	38
2001	VANHOOL	C2045	MA	APN 85453	YE2CC12B212045753	60
2002	VANHOOL		MA	APN 85962	YE2CC12B522045845	62
2002	VANHOOL	C2045	MA	APN 85454	YE2CC12B722045846	66
1998	VANHOOL		MA	APN 85455	YE2TA62B2W2040529	68
1998	VANHOOL		MA	APN 85963	YE2TA62B2W2040532	70
2002	VANHOOL	C2045	MA	APN 83820	YE2CC12B122045857	72
2002	VANHOOL	C2045	MA	APN 83554	YE2CC12B222045849	76
2001	VANHOOL	C2045	MA	APN 83553	YE2CC13B812045268	78
2003	VANHOOL	C2045	MA	APN 85964	YE2CC13B632045420	80
2001	VANHOOL		MA	APN 83569	YE2CC13B712045262	86
2001	VANHOOL		MA	APN 83570	YE2CC13BX12045269	88
2001	VANHOOL	C2045	MA	APN 85281	YE2CC13B912045151	90
2001	VANHOOL	C2045	MA	APN 85298	YE2CC13B412045154	92
2001	VANHOOL	C2045	MA	APN 85965	YE2CC12B912045670	96
2001	VANHOOL	L2045	MA	APN 85452	YE2CC12B912045619	98
2000	VANHOOL		MA	APN 85280	YE2CC21BXY2045534	102
2001	VANHOOL	C2045	MA	APN 85966	YE2CC12B912045667	106
2001	VANHOOL	C2045	MA	APN 85967	YE2CC12B712045666	108
2007	VANHOOL	C2045	MA	APN 83805	YE2CC26B472046749	112
2007	VANHOOL	C2045	MA	APN 83806	YE2CC26B272046748	116
2005	VANHOOL		MA	APN 83817	YE2CC15BX52046005	118
2004	VANHOOL		MA	APN 83816	YE2CC12B242045983	120
2006	VANHOOL		MA	APN 83803	YE2CC26B962046681	122
2004	VANHOOL	33000	MA	APN 83804	YE2CC22BX42045977	126
2011	VANHOOL	C2045	MA	APN 83813	YE2CC22BX42045977	128
2011	VANHOOL	C2045	MA	APN 83814	YE2CC29B6B2046966	130
2012	VANHOOL	C2045	MA	APN 86736	YE2CC2BB4C2046332	132
2012	VANHOOL	C2045	MA	APN 86735	YE2CC2BB6C2046333	136



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Eastern Service Center
802 Cromwell Park Drive, Suite N
Glen Burnie MD 21061

CERTIFICATE OF SERVICE

MOTOR CARRIER NAME: FUNG WAH BUS TRANSPORTATION INC

I certify that I displayed my credentials and served the attached Imminent Hazard Order issued by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration upon FUNG WAH BUS TRANSPORTATION INC (CARRIER NAME) on this 28th day of March, 2013, at 1:00 o'clock P m. at the FMCSA MA Division offices, 50 Mall Road, Burlington, MA 10803 by personally handing it to PEI LIN LIANG (NAME),

PRESIDENT (TITLE), a representative of FUNG WAH BUS TRANSP.

(signature)

(name)

(title)

(agency)

(business address)

(telephone number)

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

IN THE MATTER OF

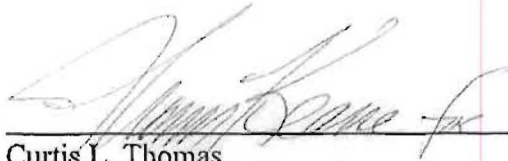
FUNG WAH BUS TRANSPORTATION, INC.

USDOT Number 954187
MC Number 405969

RESCISSION OF ORDER TO REVOKE OPERATING AUTHORITY REGISTRATION

By Order issued on March 1, 2013, the Regional Field Administrator for the Federal Motor Carrier Safety Administration ("FMCSA") Eastern Service Center directed that the operating authority registration granted to Fung Wah Bus Transportation, Inc. by the Federal Motor Carrier Safety Administration under 49 U.S.C. § 13902 be revoked for failing to obey a subpoena issued to it. Fung Wah Bus Transportation, Inc. has now obeyed the subpoena, and it is this 28th day of March, 2013:

ORDERED that the March 1, 2013 Order to Revoke Operating Authority Registration be and hereby is **RESCINDED**. All other Orders of the FMCSA remain in effect.



Curtis L. Thomas
Regional Field Administrator
Federal Motor Carrier Safety Administration

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

FUNG WAH BUS TRANSPORTATION,
INC.,

USDOT 954187

) Order No.: MA-2013-5002-IMH
)

) Service

) Date: 3-28-2013

) *D. Huntley*
)
)
)
)

**NOTICE OF REVOCATION OF OPERATING AUTHORITY REGISTRATION AND
SUSPENSION OF USDOT NUMBER**

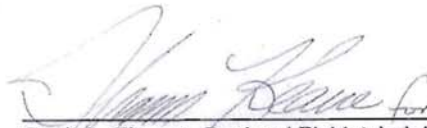
By Order dated and served March 28, 2013, the Secretary of the United States Department of Transportation (the "Secretary") found that the commercial motor vehicle operations of Fung Wah Bus Transportation, Inc. (USDOT# 954187), (referred to herein as "you," "your," "Fung Wah Bus Transportation, Inc." and/or "Fung Wah") constitute an imminent hazard to public safety. 49 U.S.C. § 13905(f)(2) requires the Federal Motor Carrier Safety Administration ("FMCSA") to revoke the operating authority registration of a motor carrier of passengers if the FMCSA finds that such carrier is or has been conducting unsafe operations which are an imminent hazard to public health or property. Additionally, in accordance with 49 U.S.C. § 31134(c)(1), the Secretary is required to suspend the USDOT number registration of a motor carrier if the Secretary determines that the motor carrier's operating authority registration is subject to revocation as a result of such imminent hazard finding.

Accordingly, as a result of the issuance of the March 28, 2013, Imminent Hazard Out-of-Service Order, and pursuant to 49 U.S.C. § 13905(f)(2), Fung Wah's Federal operating authority registration is revoked. Further, in accordance with 49 U.S.C. § 31134(c)(1) Fung Wah's

USDOT number is suspended.

If FMCSA rescinds the Imminent Hazard Out-of-Service Order, Fung Wah may reapply for operating authority registration as a passenger carrier in accordance with the provisions of 49 CFR Part 365 by submitting form OP-1 to the FMCSA. Fung Wah may apply to reactivate its USDOT number registration by submitting a Motor Carrier Identification Report, form MCS-150. The form may be obtained by calling FMCSA's technical support at 1-800-832-5660 or via FMCSA's website (<http://safer.fmcsa.dot.gov>). At the time of application, FMCSA will assess whether Fung Wah is fit, willing and able to operate safely and in compliance with all regulatory and statutory requirements. In accordance with 49 U.S.C. 13902(a)(4), FMCSA will withhold registration if it determines that the carrier, broker or freight forwarder does not meet, or is unable to meet, any of these requirements.

Date: March 28, 2013



Curtis L. Thomas, Regional Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration